

CONFLICTS OVER LAND OWNERSHIP IN NORTH GONDAR, ETHIOPIA

Degsew Melak

University of Gondar, Ethiopia

Adugna Gela

University of Gondar, Ethiopia

Abstract

A survey study was conducted in 2012 to investigate the impacts of issuance of land certificates on occurrence of land related conflicts. The study assessed farmers' perception trends of land related conflicts before and after land registration and issuance of land certificates, the sources of conflicts and measures taken to curb the conflict situation. The target populations for primary data collection were land holders who have received land certificate, and relevant district land administration offices and peasant association (PA) land administration experts.

The findings of this study confirmed that trends of land related conflicts showed decreasing trends from 43% to 27% over the base year (2005), implying that the land reform has contributed to reduction of land related conflicts. However, the key informants supported the increasing trends of land conflicts. All agreed that conflict occurs because of disagreements sourced from different sources: illegal land transfer, institutions and individual vested interest on land, squatting on communal lands, inheritance procedure awareness, and improper parcel registration. The main attributes of land conflicts include unmarked boundaries, speculative purchases, multiple authorities governing land, communal land grabbing, and poor governance of land necessitate further intervention.

Keywords: *conflict, land ownership, land registration, land certification, land legislation, Africa*

Introduction

Many African countries including Ethiopia have recently changed their land legislation or institutional setup with the goal of being able to recognize land rights and provide security of tenure to occupants in new and innovative ways (Deininger et al., 2006). In sub-Saharan Africa (SSA),

rural land is the fundamental base of livelihood for the rural population. Due to its economic importance, land tenure security issues in SSA have received considerable public attention (Ahmed et al., 2002). Registration of landholdings and granting land use certificates to land holders has recently become government policy in Ethiopia (ELTAP, 2007). Accordingly, land administration institutions in Amhara Region have started formal land registration since 2003 to introduce more scientific and technically advanced method of land registration. One of the major objectives of registration and certification of land is to establish systems of land administration that can provide country-wide coverage at an affordable cost, and minimize land related problems. Some of the main reasons for establishing land administration systems are to improve tenure security through land registration and title certification for better land management and more investment, facilitate all land transactions, easier, cheaper and more secure land possessors reduces disputes and litigation over land, resulting in a better social and human relationship, less work for the court and less expensive for the individual (Holden et al., 2009; Gebreselassie, 2005; Deininger, 2003; Roth and Haase, 1998). Realizing and affirming its relevancy, private farmlands and communal lands were delineated, registered and certified. A systematic assessment of the impacts of such systems would be of great importance to inform the policy debate.

While there is a large, though inconclusive, amount of literature on the impact of land titles in Africa, little attention has been devoted to the study of land conflict, despite evidence on increasing incidence of such conflicts. There are few good empirical studies of how the security of tenure and the distribution of tenure rights affect land related conflicts disputes (Deininger and Castagnini, 2004; Marquardt et al., 2002). The potential role of land registration and certification in preventing conflicts over land in the short- and medium-run is insufficiently studied and documented. However there are few studies in other areas on how land reforms in the form of land registration and certification affect land conflicts. In Uganda Deininger and Castagnini (2004) found that female-headed households and widows are particularly affected by land reforms and that the reforms have failed to reduce the number of land conflicts. They also found signs of large negative effects of land conflicts on land productivity. In Honduras Jansen and Roquas (1998) cited in Deininger and Castagnini (2004) provide evidence that a land titling program has exacerbated land conflicts by creating multiple claims to land and by undermining existing institutions for conflict resolution. Attention to land-related conflicts and exploration of ways to prevent and speedily resolve them would be an important area for policy and research agenda.

Since land certification program is currently widely promoted in Ethiopia, it is relevant to study how these programs affect the extent of land conflicts and identify conflicts types and resolution approaches implemented that can reduce conflicts and enhance the positive effects on poor and vulnerable groups. With the progress land certification, there will be change in opportunity of changes in trends of land related conflicts arising from private holdings. The immediate outcome is reduction in land related conflicts, which is the focus on the present study.

In this paper, emphasis is given to the assessment of the impact of certifying use rights on the incidence of land related conflicts, the possible conflict resolution mechanisms. To do so, we draw on a survey of about 200 individual landholders, complemented by key informant interview and focus group discussions from four districts of North Gondar administrative zone, Amhara national regional state.

Objective

The major objective of the study is to investigate the impacts of issuance of land certificates on land related conflicts. More specifically, the following specific objectives are addressed:

- To analyze the status of land related conflicts raised on the landholding in comparison with before and after certification
- To identify and characterize sources of land related conflicts
- To identify the types of conflicts management practices

Methodology

The study was carried out in four different¹ districts, which are located in different agro-ecology administrative zone of North Gondar. The four districts as study areas were selected on the basis of their representation: the mid altitude and high altitude areas. Lowland districts were neglected since the land registration and certification program was incomplete and difficult to see the impacts of the certification process.

In this study 200 households, who possess rural land, have been considered giving due attention into logistics and accessibility. Multi stage sampling was applied to select these sample household farmers. In the first stage districts were stratified into mid land and highland agro-ecology. Then, in the second stage of sampling, four districts (two in each agro-ecology) were being

¹ According to the Ethiopian Administrative Hierarchy the second powerful administrative hierarchy next to Regional administration and above the grass root administrative hierarchy (Kebele)

selected purposively taking into consideration of accessibility. Thirdly, random selection of peasant association (PA) was undertaken, in consultation of districts' land administration offices, based on their status of land registration and certification. Finally, a total of 200 sample respondents allocated to each PA using probability proportional to size sampling technique, so that the sampled respondents in each PA are assumed to represent the whole PA. The list of the landholders, taken from registry book, was used as sampling frame. The number of respondent in each selected sample districts was depicted in Table 1 below.

Table 1. Number of respondents by district and sex (N=200)

Districts	Number of respondents			percentage (share of respondents per districts)
	Male	Female	Total	
Alefa	30	4	34	17%
Chilga	47	15	62	31%
Dabat	32	14	46	23%
Dembia	44	14	58	29%
Total	153	47	200	100%

Regarding the data sources, primary and secondary data were used. Primary sources of data were obtained from field survey using interview schedule, focus group discussion and interview key informants. The target populations for primary data collection were land holders who have received land certificate, and relevant district land administration offices and PA land administration experts. Similarly secondary data was used for preparation of data collection instruments, selection of respondents. Book of registry and computerized land data at district level was used for selection of sample respondents in each sample PA.

Data collected from field survey, focus group discussions and interviews were organized, coded and tabulated. Texts recorded during the interviews was condensed and compiled into short forms and categorized into different themes. Statistical package for the Social Sciences (SPSS v. 16) was used for data analysis. Similarly, data from different source such from direct beneficiaries, focus group and key informant interview was triangulated in order to ensure the reliability of data from different sources. The qualitative data was organized and described and analyzed qualitatively and the quantitative data were also analyzed using appropriate descriptive statistics.

Results and discussion

The study was based on panel data covering 200 randomly selected households, operating 335 parcels. The study assessed farmers' perception trends of land related conflicts before and after

land registration and issuance of land certificates, the sources of conflicts and measures taken to curve the conflict situation. Our respondents' data indicated that conflict could arise among individual farmers, between neighbouring district farmers or between two neighbouring PAs in relation to competition for limited land resources. In addition, the type and cause of conflicts is quite different from place to place and could also differ in its extent. Therefore, conflict situation in different dimension was assessed before and after land certification.

Trend and types of land related conflicts

In order to see the changes in relation to conflict occurrence before and after land certification, this study considered the conflict situation of years between 2005 and 2011 for comparison. The result obtained was presented in the table two below. The results of the study on land related conflicts indicated that trends of land related conflicts have shown decreasing trends from 43% in 2011 to 76% over the base year (2005). This implies that the present land reform in Ethiopia has contributed to increased tenure security and reduction of land conflicts. This finding is similar to that of Holden and Tewodros (2008) study findings conducted in Southern Ethiopia. They found that the land registration and certification has contributed to reduce the number of border disputes and inheritance disputes.

Table 2. Types of conflict based on their order importance (N=200)

Description of conflicts	Frequency (N)	%	Remark
Trends of Conflicts			
Conflicts with any one in 2005	76	43	
Conflicts with any one in 2011	55	27.5	
Types of conflicts			
Border conflicts	142	70.6	1 st
Registration of other parcels of land	108	53.7	2 nd
Illegal act	59	29.4	3 rd
Livestock stray	56	27.9	4 th
Land inheritance	54	26.9	5 th
Divorce related	48	23.9	6 th
Land sale related	47	23.4	7 th
Irrigation water use	38	18.9	8 th
Violate land rent agreement	37	18.4	9 th
Compensation related	11	5.5	11 th

Table 2 showed that issuance of land certificates to land holders seems to contribute to the reduction of land conflicts. In a similar fashion, findings of focus group discussions and key informant data has supported the individual farmers' responses. Therefore, land registration and

certificate program became a solution for reduction of land related conflicts among farmers and could be taken as an important impact of land certification in North Gondar.

However, some individual farmers and key informants, working in the district office of land administration, have the opinion that there is an increased trend of conflicts over the last five years after issuance of land certificates. They further argued that increased trend of conflict is itself the result of tenure security brought as a result of issuance of certificates. After issuance of land certification some people have started claiming their right of land ownership, particularly women. Women, orphans, handicapped are weaker categories of land rights holders and may be discriminated against their land rights. These groups, particularly women (if they are divorced, widowed), orphans, handicapped, illegitimate children (children born with no legal marriages) are endowed with land holding rights by the existing laws. This view is not an empty issue and supported by Platteau and Baland (2001) cited in Holden et al. (2007) found an evidence of increasing incidence of land conflicts within families as a result of population pressure in areas with the practice of equal sharing of land among children, and in the sharing between parents at old age and their children on very small holdings that are insufficient to meet the needs of all. Deininger and Castagnini (2006) suggested that one of the main reasons for the increasing incidence of land-related conflicts in Africa is the failure of land tenure systems to respond to the increasing land pressures and that this undermines investment incentives and land productivity. An important question is then whether policy interventions can help to reform these tenure systems such that investment and productivity effects can be enhanced by reducing land conflicts and tenure insecurity.

So long as the respondents have reported decreased trends of conflict, different types of conflicts have occurred in all the study areas addressed by this study. The most commonly observed conflicts were tremendous. This study confirmed that most of the time conflict occurs because of disagreements sourced from land conflicts. Border conflict was the first ranked conflict type seen in many district of North Gondar. The manifestation of border conflict is mainly seen between individuals, farmers of neighbouring PAs and even districts. Next to border conflict, illegal registration of one's own land, involving violent, livestock stray, land inheritance, and divorce related were ranked as second, third, fourth, fifth and sixth most important types of conflicts observed in the study area respectively. Although the backlog of the second conflict type has still existed in some areas, it was happened during the initial phases of land parcels registration. The least ranked conflict types were related to compensation and violation of land rent agreements.

Interestingly, 23% of conflicts in the study areas are attributed from sale of land. Land sale is strictly prohibited according to the National and Amhara Regional Land Policy. The Federal Democratic Republic of Ethiopia constitution clearly stated the prohibition of land sale. Contrary to the existing law of the country, land sale in the name of land rental transfer is practiced in hidden way. Similar studies by Holden et al. (2007) in Northern Ethiopia showed that border conflicts came out as the most difficult problem followed by divorce-related cases and inheritance related cases.

Sources of conflicts

Conflicts mostly focus on the demarcation, ownership, and inheritance of land; or from the weakening of normally held rights of landholders. In general, the different land related conflicts identified above are sourced from different sources. These sources of conflicts are similar to that of Schwedersky (2010) study that the main attributes of land conflicts include unmarked boundaries, speculative purchases, multiple authorities governing land, land grabbing, slow justice dispensation, poor governance of land. The various sources of conflicts contributed to the conflicts are discussed below:

1. Illegal land transfer: land transfer takes different forms such as share cropping, rent, and sale. In some cases, individuals, acquire land through rent, may violate the agreement made with land holder. The land holders sold their land to better off farmers in the name of rent. At some time the legal holder request the buyer. Developing, implementing and maintaining an operational land registry for the purposes of verification of rights in land and the recording of transactions in respect to those land rights may be a long way intervention. Added to the current land administration activities, activities like verification of rights to land, development of administrative systems to record land claims and for recording transactions in rights in land has to be in place. Because land transfer acts are practiced without the knowledge of land administration bodies and finally when conflicts arise issues are brought to land administration offices.

2. Institutions and individual vested interest on land: though limited in scope, it has been found that public sectors such as water resources offices, women and youth offices, and district administrations are contributing and aggravating land conflicts. Without the permission of landholders and bypassing land administrative offices, water resources offices are trying to construct water points elsewhere. In the process, water infrastructure developers and the owners of the land where the water point is installed came into conflicts. Finally, when such issues happen,

they together go the district land administration offices. Similarly, in the name of availing land to the landless youths, youth and women offices are trying to distribute hillsides areas and communal lands without having a mandate to do so. Unfortunately, the land decided to be given to someone else may not be registered and be communal lands. Individual farmers have varied interests to have land resources. Since land is the basic units of livelihood for rural societies. In the process of acquiring additional land, individuals may disrupt/abuse others land resources. In many areas registering one's own land for oneself is evident and become causes of conflicts

3. Squatting on communal lands: some people occupied and farmed these public lands without obtaining formal ownership rights. Squatting is observed on communal lands near the farm lands or at the frontier of settlements. Since such resources are public in nature, it is loosely managed. The problem is prevalent throughout the Highland sample district of North Gondar. According to the opinions of individual respondents, key informant and focus group members, squatting on communal lands is still a problem in peri-urban areas. Squatting has been criticized as encouraging disorderly settlement, encouraging conflicts between competing claimants to communal lands.

4. Land inheritance procedure awareness: land inheritance related problems are commonly found in almost all sample districts. The problem becomes apparent the knowledge on the existing succession law. Who is the immediate successor in case elders' death is not clear for those claiming ownership rights of the deceased one?

6. Improper parcel registration: initially many of the parcels were registered by contract employers together with the land administration committee. With the limited monitoring and supervision of those contract surveyors, the quality of data has been still thought to be questionable. Almost the majority of key informants have expressed bitterly the poor quality of the parcel data registered before. A single parcel was found to be registered by two or more individual farmers. In addition to the time, energy and cost incurred for verification, district land administration experts are incurring their precious time settling disputes.

The apparent and frequent conflicts among landholders are mainly attributed to clear initial land border demarcation. This implies that better quality of land registration and certification has reduced conflicts during and after the registration and certification. Similarly, PA borders were demarcated during registration, but yet there are still some cases of PA borders not completely demarcated by neighbouring districts have reported that border demarcation has to be completed and this would lead to a higher probability of a reduction in conflicts. In general, plot sizes

measured accurately during registration have contributed to a higher probability of a reduction of conflicts during and after registration and certification.

Approaches to conflict resolution

Conflict resolution experiences in different districts have been addressed with different approaches. Conflict mediation has traditionally been handled by local conflict mediators that have been appointed by each of the parties in the conflict. Conflicts between different individuals and groups were resolved in different ways especially through local leaders, kebele shengo, district courts and relatives' traditionally. Methods of conflict resolution practiced in the study area were identified based on their application level. The experience shows that, conflict resolved by local leaders is the first rank order followed kebele shengo. The study based on interviews of more than 200 land holders revealed that they did trust local leaders instead of district courts to give fair judgments. There was a common perception that the courts benefited the wealthy and influential individuals. The majority of conflict cases are resolved locally. This does not mean that land related litigations are not brought to the district courts. Cases beyond the capacity of local figures are commonly brought to the court. This finding is also in line with findings of Holden and Tewodros (2008) conducted in Southern Ethiopia.

Table 3. Approaches to conflicts resolution

Approaches	N	%	Ranks
Local leaders	164	81.6	1 st
Kebele shengo	76	37.8	2 nd
District court	66	32.8	3 rd
Elders and relatives	60	29.9	4 th
Compromising by conflict owners	11	5.5	5 th

In addition, many conflicts caused by cheating during land registration were resolved by public hearing managed by local leaders. If this form of mediation between the two parties failed, the parties could bring their case to the local social court. Even if, kebele shengo could not make decision as a court, they have been providing a vital contribution in resolving the conflict through facilitating negotiation among farmers who are involving in conflict based on their traditional experiences. Rahmato (2007) found that more households had more trust in the traditional way of conflict resolution than in conflict resolution through the formal court system. This implies that

local conflict mediators (local social leaders) have a better perspective of what is going on the ground than court judges in district courts may have. Holden et al. (2007) also found that the district court files did not reflect well what was going on the ground. They found an increase in the number of land-related cases handled by district courts. The findings of this study indicated that the number of land-related disputes had been reduced during and after the land certification. The large majority of cases never reached the district courts.

Conclusions

In this paper, survey was conducted in order to ascertain the status and sources of land related conflicts in the case of Ethiopia, Amhara Region. The fact that descriptive analysis point toward a significant impact on reduction of conflicts suggests that tenure security is of considerable social importance. The estimated magnitude of contemporaneous conflict reduction losses due to issuance of land certificates, between 43% and 27%, is very large, though in line with descriptive evidence that points toward a number of conflicts types in which land conflicts lead to economically highly disruptive consequences. This suggests that the effectiveness of past interventions in the area of land certification may have to do more with the fact that they failed to effectively provide tenure security within a complex institutional environment than with the lack of importance of tenure security *per se*.

The findings of this study indicate that the early impacts of the recent land certification on local land conflicts in the study area is highly relevant from a land policy reform perspective and contributes to filling a knowledge gap. In this study the focus was on the early impacts of the low-cost land registration and certification of land on prevalence of plot border conflicts. The fact that a large number of studies on the impact of land titling in Africa have found mixed results with two possible explanations (Deininger and Castagnini, 2004). In the context of Africa, one possibility is improving tenure security. Alternatively, tenure security may be of great relevance but the interventions pursued by governments to increase such security may have been largely ineffective. The only way to distinguish between these two hypotheses is to use a measure of tenure security, such as conflict that can be observed, and test whether such a measure has a discernible impact on observed production outcomes.

Increasing land value, ineffectiveness of law enforcement, lack of community's knowledge in legal and policy matters, and unclear roles and responsibilities of key responsible authorities are in part the driving forces leading to land disputes. The main attributes of land conflicts include

unmarked boundaries, speculative purchases, multiple authorities governing land, land grabbing, slow justice dispensation, poor governance of land (Schwedersky, 2010). Still it may be concluded that land registration and certification is likely to have reduced the amount of border disputes, perhaps partly due to better demarcation of plot borders and because of the renewal of witnesses on the location of plot borders.

References

1. Ahmed M. M., Ehui S., Gebremedhin B., Benin S. and Teklu A. (2002) Evolution and technical efficiency of land tenure systems in Ethiopia. Socio-economic and Policy Research Working Paper 39. ILRI (International Livestock Research Institute), Nairobi, Kenya. 41 pp.
2. Deininger K., Zevenbergen J. and Daniel A. (2006). Assessing the Certification Process of Ethiopia's rural Lands.
3. Deininger K. (2003). Land policies for growth and poverty reduction. A publication of the World Bank and Oxford University Press, The World Bank.
4. Deininger K. and R. Castagnini (2004). Incidence and Impact of Land Conflict in Uganda. *Journal of Economic Behavior & Organisation* 60, pp. 321-345
5. ELTAP (2007). Study on The Assessment of Rural Land Valuation and compensation Practices in Ethiopia. Final Main Report. Addis Ababa, Ethiopia-Land tenure and Administration Program.
6. Gebreselassie S. (2005). Recent Experiences in Land Rental Markets in Ethiopia: Impact on Equity, Efficiency and Poverty. Paper Presented on Symposium on Land and Sustainable Development in Ethiopia Organized by the FSS, EEA and AESE on August 5, 2005. Addis Abeba
7. Holden S., Tewodros T. (2008). From Being Property of Men to Becoming Equal Owners? Early Impacts of Land Registration and Certification on Women in Southern Ethiopia. Final Research Report prepared for UNHABITAT, Shelter Branch, Land Tenure and Property Administration Section
8. Holden S., Deininger K., Ghebru H. (2007). Impact of land registration and certification on land border conflicts in Ethiopia, The World Bank Washington D. C., USA.
9. Holden S. T., Deininger K., Ghebru H. (2009). Impacts of Low-cost Land Certification on Investment and Productivity. *American Journal of Agricultural Economics* 91 (2), pp. 359-373.
10. Marquardt M., Unruh J., Heron L. (2002). Land Policy and Administration: Assessment of the Current Situation and Future Prospects in East Timor. Final Report, Associates in Rural Development USAID, Washington D.C., USAID East Timor.
11. Rahmato D. (2007). Property Rights and Tenure Security. Land Registration in Ethiopia, Forum for Social Studies, Addis Ababa.
12. Roth M., Haase D. (1998). Land Tenure Security and Agricultural Performance in Southern Africa. Broadening Access and Strengthening Input Market Systems
13. Schwedersky L. H. (2010). Mechanisms of Land Conflict Resolution in Rural Cambodia. Humboldt-Universität zu Berlin, Geographisches Institut, thesis, Berlin.